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Attorneys for Plaintiffs JOSEPH VIERRA  
and KEVIN WOODRUFF,  
and all others similarly situated

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

JOSEPH VIERRA and KEVIN WOODRUFF, Case No. CV 3:14-cv-04105 EMC  
on behalf of themselves and classes of those  
similarly situated,

Plaintiffs,

vs.

TIMEC COMPANY, INC. dba TRANSFIELD  
SERVICES, a corporation,

Defendant.

**JOINT STIPULATION AND [PROPOSED]  
ORDER FOR CONTINUANCE OF  
HEARING ON PLAINTIFFS' MOTION  
FOR CLASS CERTIFICATION**

1 Plaintiffs Joseph Vierra and Kevin Woodruff (“Plaintiffs”) and Defendant Timec  
2 Company, Inc. dba Transfield Services (“Defendant”), by and through their attorneys of record,  
3 hereby stipulate as follows:

4 WHEREAS, this case was initiated on September 10, 2014 when Plaintiffs filed their  
5 Class Action Complaint;

6 WHEREAS, the case was reassigned to the Honorable Edward M. Chen on November 18,  
7 2014 following Defendant’s November 17, 2014 filing of its Declination to Proceed Before a  
8 Magistrate Judge;

9 WHEREAS, in or around December 2012, the parties agreed to pursue early mediation of  
10 the case and to conduct limited discovery in advance of the mediation;

11 WHEREAS, following the exchange of initial discovery and meet and confer efforts  
12 between the parties, a *Belaire* notice was mailed out to putative class members on or around May  
13 12, 2015, and a class list was provided to counsel for Plaintiffs on or around June 18, 2015;

14 WHEREAS, the parties engaged in further limited discovery efforts, including meeting  
15 and conferring on a plan for further discovery and class sampling, and the production of  
16 additional documents, between May and August 2015.

17 WHEREAS, a private mediation took place with mediator Jeff Ross on September 22,  
18 2015;

19 WHEREAS, the parties were unable to reach agreement at the mediation, but they did  
20 clarify issues that affect their positions and identify additional information and documents to  
21 enable them to move forward, and agreed that further settlement discussions would be productive  
22 after the production of the additional records and information by Defendant;

23 WHEREAS, Defendant agreed to produce additional records and information including  
24 timesheets and payroll records for a sample of the putative class members, and provided  
25 Plaintiff’s counsel with an initial production of documents on November 4, 2015, with additional  
26 documents to be produced beginning the week of November 9, 2015 and thereafter as they  
27 become available;

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1 WHEREAS, the parties have agreed to renew settlement discussions once counsel for  
2 Plaintiff has had sufficient time to review and analyze the new information and records to be  
3 produced by Defendant;

4 WHEREAS, if the parties cannot reach a settlement agreement in this matter, it is  
5 Plaintiff's position that additional discovery will need to be conducted in advance of Plaintiffs  
6 preparing their motion for class certification;

7 WHEREAS, at the Case Management Conference held on January 22, 2015, the Court set  
8 January 15, 2016 as the hearing date for the class certification motion, and a further CMC was  
9 scheduled for October 8, 2015 [ECF No. 29];

10 WHEREAS, on October 5, 2015, the Court continued the further CMC to December 10,  
11 2015, at the request of the parties [ECF No. 35], but did not specifically address the class  
12 certification hearing date, which, if left unchanged, would require the filing of motion papers by  
13 December 11, 2015, the day after the further CMC.

14 WHEREAS, the class certification hearing currently set for January 15, 2016 does not  
15 allow sufficient time to conduct additional discovery in the event that the parties' further  
16 settlement discussions are not fruitful;

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IT IS HEREBY STIPULATED, by and between Plaintiffs and Defendant, through their respective counsel of record, that the hearing on Plaintiffs' motion for class certification (currently set for January 15, 2016) should be vacated and re-set to take place on a date which is convenient for the Court, but that is no earlier than April 15, 2016. It is further stipulated that all deadlines related to Plaintiffs' motion for class certification should be extended accordingly.

**IT IS SO STIPULATED.**

DATED: November 9, 2015

/s/ John T. Mullan

JOHN T. MULLAN  
ERIN M. PULASKI  
RUDY, EXELROD, ZIEFF & LOWE, LLP  
*Attorneys for Plaintiffs*  
*Joseph Vierra and Kevin Woodruff, and all others*  
*similarly situated*

DATED: November 9, 2015

/s/ Robert Zaletel

LINDBERGH PORTER  
ROBERT ZALETEL  
LITTLER MENDELSON  
*Attorneys for Defendant*  
Timec Company, Inc. dba Transfield Services

**ECF ATTESTATION**

Pursuant to Local Rule 5-4.3.4(a)(2)(i), the filer attests that all other signatories listed, on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.

**IT IS SO ORDERED.**

The motion for class certification shall be heard on 4/21/16 at 1:30 p.m. Parties shall follow the civil local rule regarding notice requirement and may stipulate to a briefing schedule outside the normal 35 day notice.

DATED: 11/10/15

HON. EDWARD M. CHEN  
United States District Court Judge

